

UNITED STATES DISTRICT COURT
Northern District of California

SOPHIA Q. CHAN,

Plaintiff(s),

v.

JOAQUIN SALAS,

Defendant(s).

No. C 10-04348 MEJ

**ORDER DENYING REQUEST TO
APPOINT COUNSEL**

Plaintiff Sophia Chan seeks appointed counsel in this lawsuit against Defendant Joaquin Salas. Plaintiff explains that she is unable to afford an attorney, English is a second language, and she is having a difficult time understanding the legal terminology.

Generally, a person has no right to appointed counsel in civil actions. *Storseth v. Spellman*, 654 F.2d 1349, 1353 (9th Cir. 1981). A court may under “exceptional circumstances” appoint counsel for indigent civil litigants pursuant to 28 U.S.C. § 1915(e)(1). *Agyeman v. Corrs. Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004). When determining whether “exceptional circumstances” exist, a court considers “the likelihood of success on the merits as well as the ability of the petitioner to articulate his claims pro se in light of the complexity of the legal issues involved.” *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983). Neither of these considerations is dispositive; rather, they must be viewed together. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986).

Here, Plaintiff has presented no evidence that the circumstances are “exceptional” within the meaning described above. Although she states that she is unable to afford an attorney, the case is not one which presents complex legal issues, and a review of Plaintiff’s Complaint shows that she appears capable of prosecuting her case. Accordingly, there is no legal basis to support the appointment of counsel and the request is denied. However, Plaintiff may wish to seek assistance

1 from the Legal Help Center, a free service of the Volunteer Legal Services Program, either by
2 calling (415.782.9000, extension 8657) or signing up for an appointment on the 15th Floor of the
3 Courthouse, Room 2796, 450 Golden Gate Avenue, San Francisco, California. At the Legal Help
4 Center, Plaintiff may speak with an attorney who may be able to provide basic legal help but not
5 legal representation.

6 **IT IS SO ORDERED.**

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8 Dated: October 20, 2010

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10 Maria-Elena James
11 Chief United States Magistrate Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

SOPHIA Q. CHAN,

No. C 10-04348 MEJ

Plaintiff(s),

v.

CERTIFICATE OF SERVICE

JOAQUIN SALAS,

Defendant(s).

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 20, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Sophia Q. Chan
1468 Silver Avenue
San Francisco, CA 94134

Dated: October 20, 2010

Richard W. Wieking, Clerk
By: Brenda Tolbert, Deputy Clerk

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